

REMARKS

As a result of the above amendments, claims 2-4, 9, 17-18, 20, 33 and 38-41 have been canceled and claims 1, 12 and 35-37 have been amended. Thus, claims 1, 5-8, 10-16, 19, 21-32, 34-37 and 42 remain pending.

The amendments to the claims do not introduce new matter and are supported by the original specification and the figures. By the amendments, claim 1 has been amended to define at least one weight as being donut shaped. Further, claim 12 has been amended to remove the limitation of at least one pocket receiving at least one weight. Moreover, claim 35 has been amended to define the weight as being annularly shaped and to remove inconsistent limitations. Likewise, claims 36 and 37 have been amended to also remove inconsistent limitations.

In the Office Action, the original claims were divided into three groupings:

- I. Claims 1-27, drawn to an apparatus to add weight to an athletic ball striking bat, classified in class 473, subclass 457.
- II. Claims 38-41, drawn to a method for fabricating a swinging sport-weighted implement, classified in class 29, subclass 284.
- III. Claim 42, drawn to a weighting device comprising a donut shaped member, classified in class 473, subclass 437.

Accordingly, Applicant elects group III (i.e., claims drawn to a weighting device comprising a donut shaped member, classified in class 473, subclass 437). To this end, claims 38-41 have been canceled. Moreover, claims 1-27 have been amended to include a donut shaped member. Thus, consideration of all pending claims is respectfully requested.

Although it is believed that no charges or fees are required from this communication, if any charges or fees must be paid in connection with the following communication, then they

be paid out of our Deposit Account No. 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully submitted,



October 3, 2005

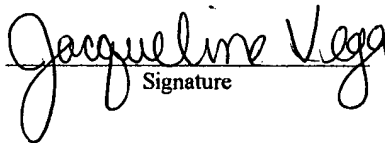
Edward L. Bishop
Reg. No. 39,110
One of Applicant's Attorneys

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 3, 2005.

Jacqueline Vega

Name of Applicant, assignee, applicant's attorney or Registered Representative


Signature